

Thursday, March 31, 2011.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Dempsey of Haverhill in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Dempsey), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Annual and Special Reports.

The annual report of the Commonwealth's Administrative Council on Toxics Use Reduction (under Section 4(d) of Chapter 21I of the General Laws) relative to toxic use reduction and resource conservation for the calendar year 2010; and Toxic Use Reduction.

A special report of the Barnstable County Registry of Deeds (under Section 2KKK of Chapter 29 of the General Laws) submitting a plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight); Barnstable Registry of Deeds.
Severally were placed on file.

Recesses.

At two minutes after eleven o'clock A.M., on motion of Mr. Mahoney of Worcester (Mr. Dempsey being in the Chair), the House recessed until two o'clock P.M.; and at twenty-two minutes after two o'clock the House was called to order with Mr. Dempsey in the Chair. Recesses.

The House thereupon took a further recess, on motion of Mr. Cusack of Braintree, until half past four o'clock; and at twenty-five minutes before five o'clock P.M. the House was called to order with Mr. Cusack in the Chair.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DeLeo of Winthrop and other members of the House) congratulating the Edward M. Kennedy Institute for the United States Senate on its historic groundbreaking; Edward M. Kennedy Institute.

Resolutions (filed by Mr. deMacedo of Plymouth) commending Reverend Gary L. Marks for his admirable counsel and spiritual leadership to the Plymouth community; Reverend Gary L. Marks.

Resolutions (filed by Ms. Garlick of Needham) congratulating Andrew Robert Bond on receiving the Eagle Award of the Boy Scouts of America; Andrew Robert Bond.

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) congratulating Emily Cadman on receiving the Gold Award of the Girl Scouts of America; Emily Cadman.

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) congratulating Maya Kiel on receiving the Gold Award of the Girl Scouts of America; Maya Kiel.

Medfield,—
Lowell
Mason
Auditorium.

Nicole
Pflueger.

Erin
Robartes.

Megan
Sano.

Matthew
Lane
Ostrow.

William
Alan
Ostrow.

Joshua
Kong.

Andrew
Larson.

Daniel
O'Brien.

Kevin
O'Brien.

Brandon
Richards.

Bryan
Richards.

Thomas R.
Click.

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) on the occasion of the dedication of the Lowell Mason Auditorium at the Amos Clark Kingsbury High School in the town of Medfield;

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) congratulating Nicole Pflueger on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) congratulating Erin Robartes on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Representatives Garlick of Needham and Winslow of Norfolk) congratulating Megan Sano on receiving the Gold Award of the Girl Scouts of America;

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Matthew Lane Ostrow of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Resolutions (filed by Mr. Kafka of Stoughton) congratulating William Alan Ostrow of Sharon Boy Scout Troop 95 on earning the Eagle Scout Award;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Joshua Kong on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Andrew Larson on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Daniel O'Brien on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Kevin O'Brien on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Brandon Richards on receiving the Eagle Scout Award of the Boy Scouts of America;

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Bryan Richards on receiving the Eagle Scout Award of the Boy Scouts of America; and

Resolutions (filed by Messrs. Walsh of Framingham and Sannicandro of Ashland) honoring Thomas R. Click on the occasion of his retirement as the Director of the Framingham Police Athletic League;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

Mr. Dempsey of Haverhill being in the Chair,—
The following order (filed by Mr. DeLeo of Winthrop) was referred, under Rule 85, to the committee on Rules:

Ordered. That notwithstanding the provisions of House Rule 16B, the ethics law training program for Representative Parisella of Beverly shall be conducted within 90 days after his return from deployment.

Mr. Binienda of Worcester, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Mark of Hancock, the order was considered forthwith; and it was adopted.

Reports of Committees.

By Ms. Peisch of Wellesley, for the committee on Education, asking to be discharged from further consideration:

Of the message from His Excellency the Governor recommending legislation relative to oversight of private occupational schools (House, No. 38); and

Of the petition (accompanied by bill House, No. 1066) of Tom Sannicandro and others for an investigation by a special commission (including members of the General Court) relative to the impact of proprietary schools receiving certain public investments;

And recommending that the same severally be referred to the committee on Higher Education.

Of the petition (accompanied by bill House, No. 1044) of James M. Cantwell for legislation to provide tax credits for persons developing low and moderate income housing,— and recommending that the same be referred to the committee on Housing.

By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, asking to be discharged from further consideration of the petition (accompanied by bill House, No. 2914) of Kevin G. Honan for legislation to permit the use of automated road safety camera systems,— and recommending that the same be referred to the committee on Transportation.

By Mr. Scibak of South Hadley, for the committee on Public Service, asking to be discharged from further consideration:

Of the petition (accompanied by bill House, No. 2413) of Garrett J. Bradley for legislation to prohibit a denial of nursing home liability insurance,— and recommending that the same be referred to the committee on Elder Affairs.

Of the petition (accompanied by bill House, No. 2452) of Jonathan Hecht and others for legislation to provide smoking and tobacco use cessation treatment benefits to active and retired public employees,— and recommending that the same be referred to the committee on Public Health.

Of the petition (accompanied by bill House, No. 2939) of Nick Collins relative to requiring certain motor vehicle surcharges and court costs be used for firefighter salaries,— and recommending that the same be referred to the committee on Revenue.

Under rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the Bill relative to a sick leave bank (House, No. 3250), be scheduled for consideration by the House.

Representative
Parisella of
Beverly,—
ethics training.

Occupational
tax
schools.

For profit
schools.

Housing
tax
credits.

Road safety
camera
systems.

Nursing home
liability
insurance.

Retirees,—
smoking
cessation.

Firefighters,—
salary
funding.

Daniel
Murphy,—
sick leave
bank.

Under suspension of Rule 7A, on motion of Mr. Cusack of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading.

Arlington,— safety zones.

By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Arlington to establish senior citizen safety zones (House, No. 560) [Local Approval Received].

Nantucket,— cemetery commission.

By the same member, for the same committee, on a petition, a Bill establishing a separate cemetery commission for the town of Nantucket (House, No. 567) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

House bills

Third reading bills.

Exempting the position of fire chief and city marshal in the city of Newburyport from the civil service law (House, No. 1846); and

Establishing a sick leave bank for Brenda Randazzo, an employee of the Executive Office of Health and Human Services (House, No. 3222) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Westport,— Leo J. St. Onge Bridge.

The Senate Bill designating a certain bridge in the town of Westport as the Leo J. St. Onge Bridge (Senate, No. 1781), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on pass the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to designate forthwith a certain bridge in the town of Westport as the Leo J. St. Onge Bridge, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (Senate, No. 1781, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Sheila Santelli,— sick leave bank.

The House Bill establishing a sick leave bank for Sheila Santelli, an employee of the Department of Housing and Community Development (House, No. 3219), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on pass the bill to be engrossed, Mr. Pedone of Worcester moved to amend it by adding the following sentence: “Sick leave bank days shall not be used for absences not related to illness or disability that necessitated the establishment of the sick leave bank as determined by the department.”; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of housing and community development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendments were adopted; and the bill (House, No. 3219, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Paper from the Senate.

The House Bill making appropriations for fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3318, amended), came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Supplemental appropriations.

In section 2, striking out items 8200-0200, 8910-0446 and 8910-8310; In section 2A, after item 0521-0004, striking out item 1201-xxxx (inserted by amendment by the House);

Inserting after section 4 the following section:

“SECTION 4A. Chapter 10 of the General Laws is hereby amended by inserting after section 35PP the following section:—

Section 35QQ. (a) There shall be established and set up on the books of the commonwealth a Financial Literacy Trust Fund to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy. The fund shall be administered by the state treasurer, in consultation with the board of trustees established under subsection (b). The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment.

(b) There shall be established a board of trustees to consist 20 members, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be appointed by speaker of the house and 1 of whom shall be appointed by the minority leader of the house; the state treasurer or a designee, who shall serve as chair; the attorney general or a designee; the undersecretary of consumer affairs and business regulation or a designee; the secretary of education or a designee; the commissioner of elementary and secondary education or a designee; the secretary of housing and economic development or a designee; and 8 persons to be appointed by the governor who shall have experience in fundraising, education or financial services. All non-elected members shall serve for terms of 3 years, but they may be reappointed. The board of trustees shall develop by-laws and may develop regulations for the implementation of the trust. The trust may expend funds for the purposes of administering the fund, which may include an annual independent audit of the financial activities of the fund. The trust may also enter into contracts with private corporations for the purposes of managing and implementing the programmatic fiduciary or administrative

Supplemental
appropriations.

goals of the trust, subject to the approval of the board of trustees. The trust may also, to the extent necessary, create a 501(c)3 corporation to fulfill the purposes of the trust. The state treasurer shall annually report to the general court all programmatic and financial activities and balances of the fund on or before the last Wednesday in December.

(c) Notwithstanding any general or special law or rule or regulation to the contrary, the state treasurer, members of the board of trustees or their designees shall maximize the balance in the trust by soliciting private donations, gifts, grants and bequests of the trust, including direct and indirect fundraising.”;

In section 12, in line 300, inserting after the word “shall” the words “, whenever feasible.”;

In section 20, in line 353, inserting after the word “college” the words “to be appointed by the governor”;

Inserting after section 34 the following two sections:

“SECTION 34A. Item 3000-4050 of said section 2 of said chapter 131 is hereby amended by striking out the words ‘provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011’ and inserting in place thereof the following words:— and provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000, 3000-3050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 15 days before the transfer.”;

SECTION 34B. Item 3000-4060 of said section 2 of said chapter 131 is hereby amended by striking out the words ‘and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011’ and inserting in place thereof the following words:— , 3000-3050 and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 15 days before the transfer.”;

Inserting after section 38 the following section:

“SECTION 38A. Item 8200-0222 of said section 2 of said chapter 131 is hereby amended by striking out the figures ‘\$450,000’, each time it appears, and inserting in place thereof the following figures:— \$900,000.”;

Inserting after section 39 the following 2 sections:

“SECTION 39A. Item 8910-0446 of said section 2 of said chapter 131 is hereby amended by striking out the figures ‘\$400,000’, each

time it appears, and inserting in place thereof, in each instance, the following figures:— \$450,000.

SECTION 39B. Item 8910-8310 of said section 2 of said chapter 131, as amended by section 25 of chapter 409 of the acts of 2010, is hereby further amended by striking out the figures ‘\$8,000,000’, each time it appears, and inserting in place thereof, in each instance, the following figures:— \$8,460,000.”;

In section 47, in lines 667 and 671, striking out the figures “\$46,279” and inserting in place thereof, in each instance, the figures “\$46,487”, and in lines 674 and 678, striking out the figures “\$1,056,550” and inserting in place thereof, in each instance, the figures “\$1,208,671”;

Inserting after section 53 the following section:

“SECTION 53A. As a condition of participating in any health insurance program subsidized by state funds, the Massachusetts Fisherman’s Partnership shall file with the joint committee on health care financing not later than June 1, 2011, a report detailing the progress of enrolling individuals currently and formerly covered by the Massachusetts Fishing Partnership Health Plan as of January 1, 2011, in plans subsidized in part or in whole by the Commonwealth, or in any other comprehensive health care plan.”;

Inserting after section 54 the following section:

“SECTION 54A. The special commission established in section 181 of chapter 240 of the acts of 2010 is hereby revived and continued. The commission shall complete a written report detailing any factors to be considered in the index and any financial measures that would be necessary for implementation to the governor, the clerks of the senate and house of representatives, the joint committee on tourism, arts and cultural development and the joint committee on education not later than September 30, 2011.”; and

Striking out sections 55 (as amended by the House) and 55A (inserted by amendment by the House).

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Emergency Measure.

The engrossed Bill making appropriations for fiscal year 2011 for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3318, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Supplemental
appropriations.

Bill
enacted.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

At twenty minutes after six o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Dempsey of Haverhill being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.